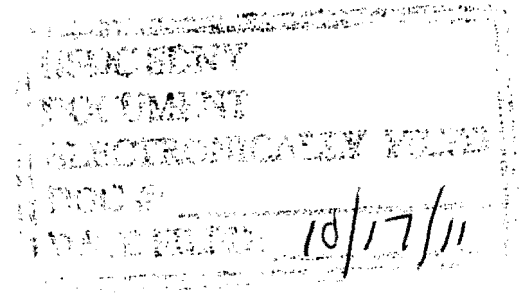


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X

GAETANO D'ATTORE :

Plaintiff, :

-against- :

CITY OF NEW YORK, et al., :

Defendants. :

-----X

REPORT & RECOMMENDATION

10 Civ. 815 (JSR) (MHD)

TO THE HONORABLE JED S. RAKOFF, U.S.D.J.:


Pro se plaintiff Gaetano D'Attore has filed a motion seeking a default judgment against defendants. Since, however, plaintiff offers no factual or legal basis for such relief -- indeed, defendants have long ago answered the complaint, discovery is complete, and a dispositive motion is due by the end of the month -- we recommend that his motion be denied.

Pursuant to Rule 72 of the Federal Rules of Civil Procedure, the parties shall have (14) days from this date to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court and served on all adversaries, with extra copies to be delivered to the chambers of the Honorable Jed S. Rakoff, Room 1340, 500 Pearl Street, New York, New York, and to the chambers of the undersigned, Room 1670, 500 Pearl Street, New York, New York. Failure to file timely objections may

constitute a waiver of those objections both in the District court and on later appeal to the United States Court of Appeals. See Thomas v. Arn, 470 U.S. 140, 150 (1985); Small v. Sec'y of Health and Human Servs., 892 F.2d 15, 16 (2d Cir. 1989); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e).

Dated: New York, New York
October 17, 2011

RESPECTFULLY SUBMITTED,



MICHAEL H. DOLINGER
UNITED STATES MAGISTRATE JUDGE

Copies of the foregoing Report and Recommendation have been sent today:

By facsimile to:

Lisa M. Richardson, Esq.
Assistant Corporation Counsel
Special Federal Litigation Division
New York City Law Department
(212) 442-0832
Fax: (212) 788-9776

And by U.S. Mail to:

Mr. Gaetano D'Attore
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Upstate Correctional Facility
P.O. Box 2001
Malone, NY 12953